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Resumed substantive session for 1996

PROVISIONAL SUMMARY RECORD OF THE 55th MEETING

Held at Headquarters, New York,
on Thursday, 14 November 1996, at 5 p.m.

President: Mr. GERVAIS (Côte d'Ivoire)

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The meeting was called to order at 5.15 p.m.

ADOPTION OF THE AGENDA AND OTHER ORGANIZATIONAL MATTERS (continued)

Committee of Experts on the Transport of Dangerous Goods (E/1996/94)

The PRESIDENT drew the Council's attention to the letters addressed to the Secretary-General by Australia and Spain and contained in document E/1996/94 applying for full membership in the Committee of Experts on the Transport of Dangerous Goods. He noted that the Secretary-General had approved the applications and suggested that the Council endorse that decision.

It was so decided.

COORDINATION QUESTIONS (continued)

(a) REPORTS OF THE COORDINATION BODIES (continued) (E/1996/18 and Add.1 and A/51/16 (Part II))

PROGRAMME AND RELATED QUESTIONS IN THE ECONOMIC, SOCIAL AND RELATED FIELDS (continued) (A/51/16 (Part II))

The PRESIDENT, referring to documents E/1996/18 and Add.1 and the relevant parts of document A/51/16 (Part II), invited the Council to take note of the reports.

It was so decided.

NON-GOVERNMENTAL ORGANIZATIONS (continued) (E/1996/102 and E/1996/L.55)

Report of the Committee on Non-Governmental Organizations (E/1996/102)

The PRESIDENT invited the Council members to consider the three draft decisions contained in document E/1996/102, which the Committee on Non-Governmental Organizations recommended for adoption by the Economic and Social Council.

Mr. KOVANDA (Czech Republic), Vice-President, said that, after extensive informal consultations, the following agreements had been reached. With regard to draft decision I, the organization National Society for Human Rights should be deleted from the list of 87 non-governmental organizations, and an additional agreed text concerning that organization, which had been distributed to the members of the Council, should be included in the decision.

With regard to draft decision II, the Committee recommended its adoption without any change. The text of draft decision III had been changed to read as follows:

"The Economic and Social Council affirms that the documentation of the Committee on Non-Governmental Organizations should be issued in all six official languages of the Council, and requests the Secretariat to prepare for the Council at its organizational session for 1997 an assessment of ways to implement this decision within existing resources."

The Secretariat had indicated that, before draft decision III could be adopted, its programme budget implications must be determined; the Secretariat therefore suggested that the members of the Council should take no steps in relation to draft decision III until the next Council session.

Draft decision I: Applications for consultative status received from non-governmental organizations

Mr. USUI (Japan), referring to the National Rifle Association of America/Institute for Legislative Action, which was on the list contained in draft decision I, expressed special interest in participating in the debates on arms control on the basis of the resolution adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. In general, Japan welcomed the participation of non-governmental organizations in the work of the Economic and Social Council and its subsidiary bodies and felt that the aforementioned organization would make useful contributions to the debate on arms control and to the work of the United Nations on that topic, in accordance with paragraph 3 of Economic and Social Council resolution 1996/31. With that understanding, Japan had no objections to the adoption of draft decision I.

Mr. BEN AMOR (Tunisia) said that, since draft decision III did not have to be adopted at the present session, he had some doubts as to whether it was wise to adopt the other draft decisions and felt it would perhaps be better to postpone the consideration of the report contained in document E/1996/102 so that it could be adopted as a whole later on.

Ms. KELLEY (Secretary of the Committee) said that the adoption of two of the three draft decisions would not pose any problem, since the document did not contain a general decision but rather three independent draft decisions, and there were many precedents for that practice.

Ms. LEBL (United States of America) said that her delegation joined the consensus but wished to state that, although the United States strongly

supported the role of non-governmental organizations in the United Nations system, it felt that the organization known as Movimiento Cubano por la Paz y la Soberanía de los Pueblos, which the Committee had recommended for consultative status, category II, did not meet the requirements for such status. Her delegation questioned whether the organization could express any views that were different from those of the Government of Cuba and pointed out that it depended almost exclusively on official financing, which meant it did not meet the requirements established in Economic and Social Council resolution 1996/31.

Mr. REYES RODRÍGUEZ (Observer for Cuba) said it seemed to him that arguments were being repeated which had been definitively refuted on technical grounds in the Committee on Non-Governmental Organizations, and that an attempt was being made to politicize decisions that were basically directed towards achieving cooperation and support from non-governmental organizations recognized as having consultative status by the Economic and Social Council. He noted that the previous year the United States delegation had imposed on the Council a vote concerning an organization which the Committee on Non-Governmental Organizations had recommended should not be granted consultative status. Cuba did not accept statements from other countries on its legal system and domestic political activities, or on its civil society. As the Committee on Non-Governmental Organizations had recognized in a very clear majority vote, the organization in question met all the requirements to be granted consultative status with the Economic and Social Council.

Draft decision I, as orally amended, was adopted.

Mr. BIGGAR (Ireland) said that the draft decision just adopted by the Council had excluded the application for consultative status of an organization whose consideration had been postponed. In that regard, his delegation felt it was important to point out that the case of that organization was an exceptional one, and that the decision adopted should not be considered a precedent.

Draft decision II: Implementation of Economic and Social Council decision 1996/302

Mr. USUI (Japan) said that a correction should be made to the list of non-governmental organizations contained in draft decision II with regard to the Japanese organization Sasakawa Peace Foundation, whose correct name was Sasagawa Peace Foundation.

Ms. LEBL (United States of America) repeated her previous remarks, applying them to the Cuban organization Centro de Estudios Sobre Asia y Oceanía. The purpose of establishing consultative relations between the Council and non-governmental organizations was to allow the former to benefit from the opportunity to hear different points of view. Regrettably, the decision of the Committee on Non-Governmental Organizations to recommend that consultative status be granted to organizations sponsored by Governments undermined the integrity and usefulness of the relations between such organizations and the Economic and Social Council.

Mr. PEDROSO CUESTA (Observer for Cuba) said he rejected such insistence on questioning the legal validity of certain non-governmental organizations. The technical arguments put forward to uphold the legal status of Cuban non-governmental organizations, whose applications had already been considered and approved in the Committee on Non-Governmental Organizations, were irrefutable, and no delegation could arrogate to itself the right to impugn their validity.

Draft decision II was adopted.

Ms. KELLEY (Secretary of the Committee) said that the delegation of the Democratic People's Republic of Korea wished to make a statement but that, as it was not a member of the Council, it could not do so in relation to the voting, although it could make a general statement provided that the Council members did not object.

Mr. RI TONG IL (Observer for the Democratic People's Republic of Korea) said that the decision of the Committee on Non-Governmental Organizations to reject the application from the organization "Centre for the Advancement of North Korean Human Rights" was a good one. The very name of the South Korean non-governmental organization was a provocation. His delegation felt that if such entities were granted consultative status with the Council, the United Nations would become a forum for controversies and confrontations between States, thereby undermining the spirit of the Organization. When the Council considered granting non-governmental organizations consultative status, it should take into account, above all, whether such recognition would really serve the interests of the Organization.

Draft decision III: Documentation of the Committee on Non-Governmental Organizations

The PRESIDENT suggested that the Council should postpone its consideration of draft decision III until its next session.

It was so decided.

Draft decision E/1996/55: Participation of non-governmental organizations accredited to the Fourth World Conference on Women in the work of the Commission on the Status of Women at its forty-first session (E/1996/55)

Ms. BRENNEN-HAYLOCK (Observer for the Bahamas) introduced the draft resolution contained in document E/1996/L.55 and said that, after wide consultations, a new, revised text had been distributed and also orally amended. After its revision and modification, the following text had been approved by consensus:

"The Economic and Social Council decides (a) to invite, as an interim measure, in conformity with the provisions of paragraph 53 of Council resolution 1996/31, those non-governmental organizations which were accredited to the Fourth World Conference on Women or the World Summit for Social Development and which, no later than one month prior to the respective session, will have started the process of applying for consultative status, to attend only the forty-first session of the Commission on the Status of Women and the thirty-fifth session of the Commission for Social Development respectively, and (b) to request the Secretary-General to draw the attention of the non-governmental organizations accredited to the World Conference on Women and the World Summit for Social Development to the provisions of the present decision and to the process established under Council resolution 1996/31."

Mr. STOBY (Director of the Division for Policy Coordination and Economic and Social Council Affairs) said that the draft decision under consideration did not stipulate the category under which the organizations would be recognized, and therefore, for the purposes of implementation, the Secretariat would assume that it was the same category as stipulated in a similar decision adopted by the Council in 1996, which indicated that the organizations in question would not be accredited but would be invited to participate and would therefore enjoy the practical rights of accreditation.

Draft decision E/1996/L.55, as orally revised, was adopted.

OTHER MATTERS

The PRESIDENT drew attention to the fact that the Council, at its 53rd meeting, held on 10 October, had adopted a draft decision (E/1996/102/Add.1/Corr.1) on applications from organizations of indigenous people not in consultative status with the Council to participate in the open-ended inter-sessional Working Group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous peoples. That Council decision, inter alia, approved the participation of the non-governmental organization L'auravetl'an Foundation (Liechtenstein) on a provisional basis, pending the receipt of the views of the Government concerned. Since the delegation of Liechtenstein had indicated its desire that the organization's provisional status should be removed, the members of the Council were invited to adopt the Government of Liechtenstein's recommendation that the organization should be considered as fully accredited.

It was so decided.

Change of dates for the 1997 session of the Committee on Non-Governmental Organizations

The PRESIDENT invited the Council members to consider the request of the Committee on Non-Governmental Organizations to hold its 1997 session from 5 to 16 May 1997 and not from 31 March to 11 April as originally scheduled. The request was being made because the originally scheduled dates coincided with the Commission on Human Rights session to be held in Geneva from 10 March to 18 April, which many members of the Committee on Non-Governmental Organizations usually attended. Moreover, the Secretariat had indicated that the new dates would not present any problems for conference services. He therefore invited the Council members to approve the Committee's request.

It was so decided.

Mr. BEN AMOR (Tunisia), referring to the addendum to the report of the Committee on Non-Governmental Organizations (E/1996/103/Add.1), and speaking on behalf of the delegation of Thailand, said that Thailand had been omitted from the list of representatives that had made statements at that session of the Committee, and he asked for a correction of the error.

ELECTIONS (continued) (E/1996/95 and Corr.1 and E/1996/15/Add.2)

Committee on New and Renewable Sources of Energy and on Energy for Development (E/1996/L.15/Add.2)

The PRESIDENT drew attention to document E/1996/L.15/Add.2, on the nomination of Mr. José María Gamio Cia to serve on the Committee on New and Renewable Sources of Energy and on Energy for Development, noting that it had been impossible to hold the election during the substantive session of the Council because the candidate's curriculum vitae had been unavailable. He took it that the Council members, after considering the relevant information, wished to elect by acclamation Mr. José María Gamio Cia.

Mr. José María Gamio Cia (Uruguay) was elected by acclamation to serve on the Committee on New and Renewable Sources of Energy and on Energy for Development.

Mr. NEBENZA (Russian Federation) said that the Russian Federation had submitted its nominations for the Commission on Science and Technology for Development and the Committee on New and Renewable Sources of Energy and on Energy for Development, which had been approved by the Group of Central and Eastern European States; however, for reasons beyond the control of those delegations, the relevant document could not be prepared on time, and he therefore requested that the document should be considered at a later meeting.

Commission for Social Development (E/1996/95/Corr.1)

The PRESIDENT reminded the Council members that, pursuant to Council decision 1996/298, the mandates of the members of the Commission for Social Development would be determined by lot when the membership of the Committee was complete, and he drew attention to document E/1996/95/Corr.1, on enlargement of the membership of the Commission for Social Development and the election of 14 members.

Ms. KELLEY (Secretary of the Committee) said that the Group of African States had four vacancies to fill and had nominated four candidates, Cameroon, Gambia, Mauritania and Uganda; the Group of Asian States had four vacancies to fill and had nominated one candidate, Pakistan; the Group of Eastern European States had one vacancy to fill, and had nominated no candidates; the Group of Latin American and Caribbean States had three vacancies to fill and had nominated no candidates; and the Group of Western European and other States had two vacancies to fill and had nominated two candidates, Malta and Spain.

The PRESIDENT said that, since the number of candidates nominated by the Group of African States, the Group of Asian States and the Group of Western European and other States was equal to or less than the number of vacancies to be filled, he would take it that the Council wished to elect the candidates nominated by those groups by acclamation.

Cameroon, Gambia, Malta, Mauritania, Pakistan, Spain and Uganda were elected by acclamation to serve on the Commission for Social Development.

The PRESIDENT took it that the Council wished to postpone the election of the seven remaining members of the Commission, namely, three members of the Group of Asian States, one member of the Group of Eastern European States and three members from the Group of Latin American and Caribbean States.

It was so decided.

The meeting rose at 6 p.m.

UNITED NATIONS **E**

Economic and Social Council

PROVISIONAL

E/1996/SR.56
25 February 1998
ENGLISH
ORIGINAL: SPANISH

Resumed substantive session of 1996

PROVISIONAL SUMMARY RECORD OF THE 56th MEETING

Held at Headquarters, New York,
on Wednesday, 20 November 1996, at 3 p.m.

President: Mr. GERVAIS (Côte d'Ivoire)

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ELECTIONS (continued)

ECONOMIC AND ENVIRONMENTAL QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS: FOLLOW-UP TO GENERAL ASSEMBLY RESOLUTION 50/106: BUSINESS AND DEVELOPMENT (continued)

NON-GOVERNMENTAL ORGANIZATIONS (continued)

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 50/227: FURTHER MEASURES FOR THE RESTRUCTURING AND REVITALIZATION OF THE UNITED NATIONS IN THE ECONOMIC, SOCIAL AND RELATED FIELDS (continued)

CLOSURE OF THE SESSION

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference and Support Services, room DC2-794, 2 United Nations Plaza.

The meeting was called to order at 3.20 p.m.

ELECTIONS (continued) (E/1996/L.13/Add.3 and E/1996/L.15/Add.3)

Committee on New and Renewable Sources of Energy and on Energy for Development (E/1996/L.15/Add.3)

The PRESIDENT said that the Council secretariat had received the candidature of Mr. Dimitri B. Volfberg (Russian Federation), nominated and supported by the Group of Eastern European States, and that of Mr. William Michael Mebane (Italy), nominated by the Government of Italy. Since the number of candidates was less than the number of vacancies, he took it that the Council wished to elect both candidates by acclamation to vacancies on the Committee for terms beginning on 1 January 1997.

Mr. Volfberg (Russian Federation) and Mr. Mebane (Italy) were elected members of the Committee on New and Renewable Sources of Energy and on Energy for Development by acclamation.

Committee on Natural Resources (E/1996/L.13/Add.3)

The PRESIDENT said that the Council secretariat had received the candidature of Mr. Vladislav M. Dolgopolov (Russian Federation) nominated and supported by the Group of Eastern European States. Since the number of candidates was less than the number of vacancies, he took it that the Council wished to elect Mr. Dolgopolov by acclamation to a vacancy on the Committee for a term beginning on 1 January 1997.

Mr. Dolgopolov (Russian Federation) was elected a member of the Committee on Natural Resources by acclamation.

Committee on Human Settlements

The PRESIDENT informed the Council that he had received a letter from the Group of Eastern European States expressing the Group's support for the candidature of Belarus to occupy a vacant seat on the Committee on Human Settlements for a term running from 1997 to the year 2000. If there were no objections, he took it that the Council wished to elect the candidate of Belarus to fill the vacancy.

ECONOMIC AND ENVIRONMENTAL QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS: FOLLOW-UP TO GENERAL ASSEMBLY RESOLUTION 50/106: BUSINESS AND DEVELOPMENT (continued) (E/1996/L.26/Rev.2*)

Mr. KOVANDA (Czech Republic), Vice-President, reporting on the informal consultations regarding the draft resolution on corruption and bribery in international commercial transactions, sponsored by Argentina, Bulgaria, Canada, Costa Rica, Mexico, Nicaragua, Paraguay, Philippines, Poland, Russian Federation, South Africa, United States of America and Venezuela, said that the draft resolution, which had been the subject of numerous informal consultations over the previous months, continued to undergo revisions by the sponsors, and consequently that they should present the latest proposed revisions.

Mr. WINNICK (United States of America) announced that Council members Brazil, Chile and Pakistan had been added to the list of sponsors as had Mozambique, Peru and Uruguay in conformity with article 72 of the rules of procedure of the Economic and Social Council.

In the hope of achieving a consensus, the sponsors of the draft resolution had agreed to introduce the following revisions:

(a) In the third line of the second preambular paragraph, the word "promoting" should be deleted.

(b) In the fourth line of the second preambular paragraph, a footnote 1 should be added after the words "transnational corporations". That footnote would appear at the bottom of the page as "[1] E/1991/31/Add.1 and E/C.10/1991/17/Add.1". The current footnote 1 would become footnote 2.

(c) In the sixth line of the sixth preambular paragraph, a footnote 3 should be added after the word "Development". That footnote would appear at the bottom of the page as "[3] E/1996/106".

(d) In lines 8, 9, and 10 of paragraph 8, the phrase beginning with "on how the incidence" and ending with "environmental protection;" should be deleted.

(e) In the first and second lines of paragraph 2 of the Declaration contained in the annex, the words "and coordinated" should be added after the word "effective", and the words "bribery in international commercial transactions of foreign public officials" should replace the words "acts of bribery in international commercial transactions of any public official".

(f) In lines 2, 3 and 4 of paragraph 2 of the Declaration, the phrase beginning with "or elected representative" and ending with "in a coordinated manner" should be deleted.

(g) In the first line of paragraph 3 of the Declaration, the words "inter alia" should be substituted for "in particular".

(h) In the first line of paragraph 4 of the English-language version of the Declaration, a comma should be added after the word "so".

(i) In the last line of paragraph 4 of the Declaration, the phrase "and, to that end, to examine the respective modalities for doing so" should be added at the end of the paragraph after the words "another country".

(j) In the third line of paragraph 12 of the English-language version of the Declaration, the word "shall" should replace the word "should", and the word "the" should be added before the word "principles".

(k) In the fourth line of paragraph 12 of the Declaration, the word "customary" should be deleted.

The sponsors felt that the proposed revisions would facilitate the achievement of consensus on the text of the draft resolution.

Mr. MURPHY (Ireland), speaking on behalf of the European Union, said that he could accept the draft resolution as orally revised by the representative of the United States of America on behalf of the sponsors, and he withdrew the amendments proposed in document E/1996/L.56.

Mr. OUATTARA (Côte d'Ivoire) said that his delegation wished to be added to the list of sponsors of the revised draft resolution.

Ms. BETTELLI (Colombia) expressed her support for the revised draft resolution, on the understanding that the measures proposed in the Declaration contained in the annex should fully respect the national sovereignty and territorial jurisdiction of the Member States, as well as their national constitutions and laws.

Ms. HAWKINS (Australia), speaking in support of the revised draft resolution, read out a statement to the effect that the Government of her country resolutely opposed bribery and corruption and was working to promote the elimination of those practices. However, the Government of Australia had yet to take a definitive decision regarding several related matters in that area, among which were the questions of the criminalization of bribery and of the tax-

deductibility of bribes, and would therefore take careful note, in that process, of the measures adopted by the Council.

Mr. YUAN Shaofu (China) said that although the revisions presented had not taken account of the observations made by his delegation during the informal consultations on paragraph 3 of the draft declaration, the draft resolution before the Council constituted a considerable improvement. Nevertheless, he wished to stress that his delegation maintained its reservations regarding the phrase "promise or giving" in paragraph 3 of the draft declaration. With regard to subparagraph (b) of that paragraph, he said that his delegation interpreted the word "receiving" as alluding to a passive attitude. However, in the interest of consensus, the Chinese delegation would not oppose the draft resolution.

Mr. ABDELLATIF (Egypt) said that the word "international" should be added to the last line of paragraph 6 of the draft declaration before the phrase "commercial transactions". The second line of paragraph 12 of the draft declaration should refer not only to acts of bribery of foreign public officials, but to any kind of bribery by a private or public enterprise, including a transnational enterprise. Alternatively, the words, "foreign public officials" could be omitted.

Mr. WINNICK (United States of America), replying to a question asked by the President, proposed that the text should be considered in a way that would elicit the views of all members who wished to express their opinion. Since the revisions of the draft resolution were the result of wide-ranging discussions by the sponsors, and the number of sponsors was increasing, it was difficult to respond immediately to the comments that had been made.

Mr. HAMDAN (Lebanon), Mr. KOVANDA (Czech Republic) and Mr. YOSHINO (Japan) endorsed the draft resolution.

Mr. MOGOTSI (South Africa) said that his Government was committed to all fundamental freedoms and transparent, responsible government. His delegation therefore felt obliged to join the sponsors of the draft resolution, the contents of which it had studied carefully. His delegation strongly believed that all forms of corruption and bribery represented a direct and destabilizing threat to the ideals of democracy, human rights and the sense of justice and good government. South Africa's democratic Government of National Unity and Reconciliation believed that the surest safeguard for the great gains

of that country's new democracy and its hard-won freedom and justice was to combat corruption and bribery. Such a policy would also contribute to the renaissance of Africa.

Mr. POUKRE-KONO (Central African Republic) said that his delegation had noticed several discrepancies between the French and English versions of paragraph 5 of the draft.

The PRESIDENT said that the Council secretariat would ensure that the translation correctly reflected the original text.

Mr. MARRERO (United States of America), responding to the first Egyptian proposal to insert the word "international" in paragraph 6 of the annex, said that the word had been inadvertently omitted. The second Egyptian proposal would necessitate further consultations in order to revise the wording of paragraph 12, which had been the result of difficult negotiations designed to reconcile differing views. Since the spirit of the Egyptian proposal was reflected in paragraph 3 (a) of the present text, it would be preferable to leave paragraph 12 as it stood.

Mr. ABDELLATIF (Egypt) said that it would have been better to repeat the contents of paragraph 3 in paragraph 12 in order to avoid misunderstandings and contradictions. However, in order to facilitate consensus, his delegation would accept the current wording of the text.

Mr. IBRAHIM (Malaysia) said that rooting out bribery and corruption in commercial activities would make it easier to allocate resources and set prices, but he feared that certain countries were citing corruption as an excuse not to help developing countries. Even if multilateral institutions could establish mechanisms to fight corruption, such mechanisms would never be as effective as those set up by individual countries themselves. Nevertheless, his delegation wished to join the consensus.

The PRESIDENT took it that the Council wished to adopt draft resolution E/1996/L.26/Rev.2* as orally revised.

Draft resolution E/1996/L.26/Rev.2*, as orally revised, was adopted.

Mr. MURPHY (Ireland), speaking on behalf of the European Union, said that the Council of Ministers of the European Union had recently approved a protocol on corruption which had been formulated on the basis of the Maastricht Treaty. Earlier that year the States members of the European Union had jointly

agreed with other members of the Organisation for Economic Cooperation and Development on the basis for further coordinated action in that area.

Criminalization of corruption, and in particular international corruption, had important legal implications requiring a thorough examination of the issue by legal experts in order to determine the most effective way of dealing with the problem, including the possible negotiation of appropriate international instruments. In that respect, document E/1996/L.26/Rev.2* contained legal definitions which should not have been included in a political declaration, especially as they were different from texts already agreed upon in other forums. Moreover, while the resolution acknowledged the work done elsewhere in the United Nations system, it could have incorporated more of the results of the work of bodies such as the Commission on Crime Prevention and Criminal Justice.

NON-GOVERNMENTAL ORGANIZATIONS (continued) (E/1996/102; E/1996/L.57 and L.58)

Mr. KOVANDA (Czech Republic), Vice-President, read out the new text of the draft decision on issuing documentation of the Committee on Non-Governmental Organizations in the six official languages of the Council, as contained in document E/1996/L.58. In line with the estimated programme budget implications contained in the same document, the draft decision would entail additional conference services in 1997 in the amount of US$ 860,700. From the way the text was worded, it was difficult to know whether the phrase "within existing resources" referred to the ways of implementing the decision or the request to the Secretariat that it should prepare an assessment. The estimated programme budget implications contained in document E/1996/L.58 favoured the first interpretation, but in its informal consultations the Council had decided that the phrase "within existing resources" should apply to the request addressed to the Secretariat. The estimate of the programme budget implications in document E/1996/L.58 was useful but did not address the concerns of the Economic and Social Council.

Mr. AMARI (Tunisia) quoted the first part of rule 153 of the rules of procedure of the General Assembly, which stated that no resolution should be recommended by a committee for approval by the General Assembly unless it was accompanied by an estimate of expenditures prepared by the Secretary-General. In the draft resolution, the Economic and Social Council had merely stated that the documentation of the Committee on Non-Governmental Organizations should be issued in the six official languages of the Council, which was standard practice

throughout the United Nations. The second part of rule 153 stated that the General Assembly should not vote any resolution in respect of which expenditures were anticipated by the Secretary-General until the Administrative and Budgetary Committee (Fifth Committee) had had an opportunity of stating the effect of the proposal upon the budget estimates of the United Nations. In the present case, the Council should limit itself to formulating a recommendation, accompanied by an estimate of the programme budget implications drawn up by the Secretariat. The appropriate course of action at the present time would be to submit the programme budget implications to the Advisory Committee on Administrative and Budgetary Questions which would then refer them to the Fifth Committee.

Mr. GOODERHAM (United Kingdom) said that his delegation wished to join the consensus on draft decision E/1996/L.57, since it agreed that the Secretariat should prepare an assessment of ways to implement the decision, but his Government reserved its opinion on document E/1996/L.58 in view of paragraph 5, which stated that the responsibility for determining the level of resources under the programme was within the purview of the Fifth Committee of the General Assembly.

Mr. WINNICK (United States of America) said that, since the documents in question did not specify the nature of the documentation of the Committee on Non-Governmental Organizations, the Secretariat had been requested to prepare an assessment of ways to implement the decision. Despite the Committee's decision to streamline its documentation and improve its working methods, the volume of documentation distributed at its meetings was excessive by any standards. In order to estimate translation costs, it was necessary first of all to decide on ways to assess non-governmental organizations and what documentation was needed for that purpose. The estimated programme budget implications contained in document E/1996/L.58 were based on the incorrect assumption that all the documents of the Committee on Non-Governmental Organizations would have to be translated. On the other hand, the programme budget implications of the assessment of ways to implement the decision did indeed require an estimate.

Mr. STOBY (Director of the Division for Policy Coordination and Economic and Social Council Affairs), responding to the comments of the representative of the United States of America, said that since a draft decision had been introduced affirming that the documentation of the Committee on Non-Governmental Organizations should be issued in all six official languages,

the Secretariat was obliged under current procedural rules established by the Member States themselves to inform them of the costs of implementing their decision. The Secretariat was aware of how much documentation the Committee had requested and had been studying the question with the Committee for several months. It had informed the Committee that its capacity for document preparation was 500 pages. However, the Committee projected the need for 1,400 pages of documentation for its next session. That was the Committee's official position, and document preparation would therefore entail additional costs, as had been noted in the Secretary-General's statement of the programme budget implications of the draft decision.

Mr. RUNGE (Germany) said that his delegation joined the consensus on draft decision E/1996/L.57 because it supported the principle embodied therein. Nevertheless, his delegation had hoped that the Secretary-General's statement on programme budget implications would have been different, and therefore reserved judgement. The financial implications would have to be dealt with in the Fifth Committee, and he repeated the request, contained in the draft decision, that the Secretariat should prepare an assessment of ways to implement the decision within existing resources.

Mr. KOVANDA (Czech Republic), Vice-President, suggested that the text of the draft decision should be amended by moving the phrase "within existing resources", followed by a comma, to the third line of the draft decision, after the word "Council", and by replacing the word "decision" with the word "affirmation" in the fifth line. With regard to Mr. Stoby's comment, he said that he would be grateful if the Secretariat would confirm in writing that it could accordingly prepare the assessment requested in the draft decision within existing resources. In that case, the draft decision with the amendments he had just proposed could serve as a basis for achieving a consensus.

Mr. AMARI (Tunisia) said that all United Nations documentation was issued in the six official languages. He asked the Secretariat to explain why the Committee on Non-Governmental Organizations was the only body of the Economic and Social Council that could not use all six languages, and how the volume of documentation used in the Secretary-General's statement of programme budget implications had been calculated. He further proposed that the text of the draft decision should be amended by deleting all the text following the words "of the Council", in the third line, and that since the General Assembly

would have to take the final decision in any case, the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee should study the draft decision together with the Secretary-General's statement of programme budget implications, which he felt was without foundation.

Mr. BOUCHMARINOV (Russian Federation) said that he suspected that there had been a misunderstanding between the Secretariat and the Economic and Social Council. His delegation had been under the impression that the statement of programme budget implications had referred to the assessment requested in the draft decision, and not to the actual preparation of documentation in all six official languages, and that that assessment would be presented during the Council's organizational session in February 1997. While the amendments proposed by Mr. Kovanda could complicate future interpretation of the draft decision, his delegation was ready to support that solution on the understanding that during the Council's February 1997 organizational session the Secretariat would submit the statement of programme budget implications which the Council had requested.

Mr. STOBY (Director of the Division for Policy Coordination and Economic and Social Council Affairs), responding to the comments of the representative of Tunisia, explained that the oral statement of programme budget implications presented during the informal consultations as well as the official statement contained in document E/1996/L.58 referred to the first part of the draft decision, i.e., to the publication of documentation in all six official languages. In that regard, the number of official languages of the Committee did not fall within the purview of the Secretariat. It was up to the Member States to decide such matters, and the Secretariat merely informed them of the consequences of increasing the number of official languages according to existing projections, based on the Committee's report and conversations between the Secretariat and the Committee members.

Mr. YUAN Shaofu (China) said that the draft decision was intended to reaffirm the principle that the work of the United Nations should be done in all six official languages, and to correct the irregularity entailed by the use of only three languages in the Committee on Non-Governmental Organizations. That principle could not be ignored simply because of its programme budget implications. There appeared to be two trends in that regard: one was to stipulate the use of the six official languages and then decide how to implement

that principle, while the other was to first determine the volume of foreseeable documentation and then decide how many of the six official languages could be used. The latter approach, which currently appeared to be the prevalent one, betrayed the intent of the draft decision, as the financial implications of that decision would have to be studied elsewhere. Consequently, his delegation supported Tunisia's proposal and reiterated that budgetary matters should be dealt with separately by the appropriate body, i.e., the Fifth Committee.

Mr. WINNICK (United States of America), speaking on a point of order, and supported by Mr. AMARI (Tunisia) and Mr. NKOUNKOU (Congo), proposed that the meeting should be briefly suspended for consultations aimed at achieving a consensus on the draft decision.

The meeting was suspended at 4.50 p.m. and resumed at 5.30 p.m.

Ms. FLOR (Germany) said that, after consultations among the members of the Council, consensus had been achieved on the following proposal:

"The Economic and Social Council affirms that, in conformity with rule 32 of its rules of procedure, all documentation of the Economic and Social Council should be issued in all six official languages and requests the Secretariat to submit, during its 1997 organizational session, an assessment of ways to implement this decision in respect of the Committee on Non-Governmental Organizations."

Mr. BOUCHMARINOV (Russian Federation) said that article 32 of the Council's rules of procedure did not deal with the issuance of documents, but only specified the official and working languages of the Council; although the principle of multilingualism had become common, he felt that referring to rule 32 was not the same as establishing multilingualism for the documents of the Committee on Non-Governmental Organizations. Since the draft decision called for the extension to that Committee of the practice of translating the documents of the subsidiary bodies of the Economic and Social Council into all six official languages, if the Secretariat considered that doing so would be incompatible with official regulations, it should seek an advisory legal opinion in that regard.

Mr. AMARI (Tunisia) noted that, in the wording of his delegation's first proposal, the Economic and Social Council affirmed that the documentation of the Committee on Non-Governmental Organizations should be issued in all six official languages. Since rule 32 of the Council's rules of procedure clearly

specified what those official languages were, it was logical that all documentation should be issued in those languages. His delegation viewed the proposal just made by the German delegation as a compromise text and would accept it in order not to impede the consensus.

Mr. WINNICK (United States of America), requested the Secretariat to indicate whether the proposal submitted by the German delegation would have programme budget implications.

Mr. STOBY (Director of the Division for Policy Coordination and Economic and Social Council Affairs) said that it was his understanding that if the Economic and Social Council adopted the German delegation's oral proposal, that proposal would be considered a revision of document E/1996/L.57 and would supersede draft decision III, contained in document E/1996/102. The German delegation's proposal would entail no new programme budget implications, but those noted previously with regard to the other draft decision still applied. Further, when the Secretariat took up the preparations for the work of the Committee on Non-Governmental Organizations in the months to come, it would continue to apply the regulations currently in effect.

Mr. BOUCHMARINOV (Russian Federation) asked the Secretariat if the reference to article 32 would entail translating the documents of the Committee on Non-Governmental Organizations into all the official languages, regardless of the budgetary implications.

Mr. STOBY (Director of the Division for Policy Coordination and Economic and Social Council Affairs) reaffirmed that the documentation of the Committee on Non-Governmental Organizations would continue to be translated into the same languages as it was currently until such time as the Council decided otherwise. Moreover, the draft decision referred only to the documentation of the Council itself, and not to that of the subsidiary bodies.

Mr. YUAN Shaofu (China) said that he was confused by Mr. Stoby's answer, since, apparently, the words "six official languages" applied only to meetings of the Economic and Social Council and not to those of its subsidiary bodies. If that was the case, he wondered whether there was any point to the draft decision, and whether it might not be better to reopen the debate and consultations on the item.

Ms. FLOR (Germany) said that if the reference to the Economic and Social Council rendered the draft decision meaningless, then the Secretariat

could be consulted as to the most appropriate way of drafting it. It was her understanding that the purpose of the draft decision was to implement rule 32 of the Council's rules of procedure so as to ensure that the documentation of the Committee on Non-Governmental Organizations was translated into all the working languages.

Mr. STOBY (Director of the Division for Policy Coordination and Economic and Social Council Affairs) said that draft decision E/1996/L.57 constituted an affirmation of principle, not a new decision, and that under its terms, the Council would postpone to the next organizational session any measure which had programme budget implications. All that needed to be done in order to link such an affirmation of principle to the subsidiary bodies was to add the words "the documentation of the Economic and Social Council and of its subsidiary bodies". It was to be hoped that, based on the assessment to be prepared by the Secretariat, the Council would revert to the matter at its next organizational session.

Ms. LIMJUCO (Philippines) said that, based on her years of experience in the Committee on Non-Governmental Organizations, she could state that the Committee's needs were sometimes ignored, and that there were indeed logistical problems with regard to its documentation. In her view, innovative solutions could be found, like those adopted during the Committee's two previous sessions, such as shortening reports and preparing summaries to be translated into other languages.

Mr. WINNICK (United States of America), taking note of Mr. Stoby's statements, expressed strong support for the proposal submitted by Germany, and called upon the members of the Council to adopt it by consensus so that the matter could proceed to a higher stage.

Mr. YUAN Shaofu (China) said that, while he was dissatisfied with the text of the proposal as submitted, he could accept it in a spirit of compromise, with the hope that the matter could be resolved at the Council's next organizational session and that the goals relating to the Committee on Non-Governmental Organizations could be achieved.

Mr. BOUCHMARINOV (Russian Federation) said that the text of the proposal under consideration had not been distributed to the members of the Council. In the light of the debate, it would need to be amended, but the exact content of the amendments was unclear. Moreover, the reference made in document

E/1996/L.58 to rule 32 of the rules of procedure of the Economic and Social Council was inconsistent with earlier decisions. He therefore suggested that action on draft decision E/1996/L.57 should be postponed to the next organizational session.

The PRESIDENT, replying to the previous speaker, said that what was involved were oral amendments and that the usual practice had been followed. He suggested that the meeting should be suspended so that the representative of the Russian Federation could be provided with a copy of the typewritten text.

The meeting was suspended at 6.05 p.m. and resumed at 6.10 p.m.

Mr. BOUCHMARINOV (Russian Federation) said that the text delivered to him did not contain the oral amendments proposed on the basis of rule 32 of the rules of procedure. It did not refer to the use of official languages in the documentation of the Committee on Non-Governmental Organizations. He did not believe that it was necessary for the Council to adopt further decisions; all that was required was to refer to the rule in question. Accordingly, and in view of the lack of consensus on the text proposed by the Secretariat, the matter should be postponed to the next organizational session.

Mr. AMARI (Tunisia) said it was regrettable that no compromise solution had been reached concerning the proposed amendments. For the sake of consensus, his delegation had withdrawn its original proposal; if, however, the matter was to be postponed to the next organizational session, his delegation would maintain its original proposal.

Ms. FLOR (Germany) said it was regrettable that a consensus had not been reached at the current meeting, and that the Secretariat would not be able to prepare an assessment of ways of ensuring that the documentation was issued in the six languages.

Mr. STOBY (Director of the Division for Policy Coordination and Economic and Social Council Affairs) said that the Secretariat was willing to prepare such an assessment, to be provided in February 1997.

The PRESIDENT said he took it that the Council wished to postpone consideration of the matter to the organizational session to be held in February 1997.

It was so decided.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 50/227: FURTHER MEASURES FOR THE RESTRUCTURING AND REVITALIZATION OF THE UNITED NATIONS IN THE ECONOMIC, SOCIAL AND RELATED FIELDS (continued) (E/1996/97, E/1996/CRP.3/Rev.1, E/1996/CRP.5/Rev.1 and an informal paper on the implementation of General Assembly resolution 50/227)

Mr. KOVANDA (Czech Republic), Vice-President, reporting on the results of the seven rounds of informal consultations held on General Assembly resolution 50/227 and its impact on the Council, said that discussions had also been held with the Secretariat, which had been extremely helpful in providing a number of documents that might be useful for further deliberations, as well as unofficial documents dealing with questions related to General Assembly resolution 50/227. During the informal consultations, suggestions had been made as to how those questions could be answered.

Efforts had been made to improve the organization of work of the Council and to reduce any overlap which might exist between the Council and other committees and commissions of the General Assembly. The discussions held during the informal consultations would apparently continue as soon as possible in meetings of various informal groups. Several working papers had also been received from members or groups of members of the Council, and informal consultations, presided over by a member of the Bureau, were scheduled for the period between the election of the new Bureau on 23 January 1997 and the next organizational session, to be held in early February, at which decisions would be taken concerning the agenda of the Council's substantive session, to be held in the summer of 1997.

Mr. MURPHY (Ireland) asked whether it would be possible to hold a meeting or preliminary discussions before the end of the year, perhaps after the Second Committee had concluded its work.

Mr. KOVANDA (Czech Republic), Vice-President, said that if the groups of Member States concerned indicated to the Bureau that they would like to hold informal consultations, the Bureau would raise with the Secretariat the possibility of holding such meetings even before the end of the year.

Mr. ACUÑA (Costa Rica), speaking on behalf of the Group of 77 and China, said that the Group of 77 had not had an opportunity to consider the substance of the various proposals submitted concerning the revised draft agenda for the substantive session of 1997. While the Group of 77 and China supported the proposal to hold informal consultations on the matter during the last week

of January and the first week of February 1997, they would also be willing to discuss the proposals after the Second Committee had concluded its work, and, if they had time to consider the proposals and adopt a clear position, to hold informal consultations on the matter in December as preparation for the informal consultations to be held in January.

Mr. STOBY (Director of the Division for Policy Coordination and Economic and Social Council Affairs) said that, with regard to gender issues, the Division had prepared an informal background note which would be distributed to the members of the Council within a few weeks.

The PRESIDENT said that the Secretariat had announced that it was planning to prepare a paper which would help the Council to move forward in its consideration of the item; as there had not been sufficient time to deal with the matter in informal consultations, he suggested that it should be postponed to the organizational session of 1997.

It was so decided.

CLOSURE OF THE SESSION

The PRESIDENT declared the resumed substantive session of 1996 closed.

The meeting rose at 6.30 p.m.